Mr. SPEAKER.— Is the Hon'ble Deputy Minister sure that there is no hardship caused to anybody ?

(SRI GOPAL GOWDA rose)

Mr. SPEAKER.—There will be no discussion let him read rule 63. That is why on behalf of the Hon'ble member I have asked whether there is no hardship caused to anybody ?

Smt. GRACE TUCKER.—We assure the House that there is no hardship to anybody, because after the 8th year, those children who have completed 8th year and succeeded would have to do 3 years of the high school and similarly those who passed the new middle school examination have to put in 3 years of the high school. There is no hardsh ip caused to anybody.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಏನು ಹೇಳಿದರೋ ಆ ವಾದ ಎಲ್ಲಾ ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಮಾಡಿ ಸೋತುಹೋಗಿ ಆಗಿದೆ.

"We direct that a *writ of mandamus* be issued to the Director of Public Instruction to consider the claims of those petitioners for admission to the high school first year class without reference to the results of the district level examination conducted by him in 1963."

ಅದನು ಬಿಟ್ಟು ವಾದಮಾಡುತ್ತಾರೆ. ಈ ಹೊಸಆಜ್ಞೆ ಮಾಡಿದವರು ವಿದ್ಯಾಮಂತ್ರಿಗಳು ಅವರು ಇವೊತ್ತು ಬಂದಿಲ್ಲ.

Mr. SPEAKER.—Let him kindly read rule 63. Am I not to enforce the rule ? Under rule 63 there is no discussion.

Chair's Ruling *re.* a Point of Order

Mr. SPEAKER.— On the 14th instant, which was a day appointed for non-official business, the first non-official resolution put down in the list of business for being taken up that day was that of the Hon'ble Member Sri Shivalinge Gowda. When this item was reached, the Hon'ble Member stated that he was not moving his resolution. The next resolution stood in the name of the Hon'ble Member Sri A. J. Dodmeti. When his name was called the Hon'ble Member Sri A. J. Dodmeti said;

> "In the expectation that the Government will sympathetically examine this resolution, I am not moving the present resolution."

At this, the leader of the Opposition and certain Hon'ble Members raised a point of order to the effect that when a Member does not want to move any resolution, he should merely confine himself to a statement to that effect and cannot speak at all. To this point of order several Hon'ble Members spoke at great length. Reference was also made to Rule 142 of our Rules of procedure. The entire substance of the argument advanced on this occasion was merely that a Member who does not want to move a resolution should make a bare statement that he is not moving it and that any other words uttered on the occasion would no

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only be out of order but should also be expunged from the records I stated that I would give a considered ruling later.

It may be desirable on this occasion to examine in some detail the process of Debate.

As Hon'ble Members are aware, every matter that comes up before the House is determined upon a question put from the Chair upon a motion made by a Member. The essential stages in obtaining a decision of the House are therefore (1) the moving of a motion or resolution (2) the proposing of a question by the Chair and (3) the putting of the question and collection of the voices by the Chair.

The process usually involves a discussion after the question is proposed by the Chair though a decision may be reached without discussion. Further, the question must repeat the terms of the motion. These, in short, are the several stages which constitute the process of debate. It will be thus seen that firstly a motion must be made by a Member, secondly the motion in terms identical with that moved by the Member must be proposed by the Chair. It is only after the motion is proposed by the Chair that the House becomes seized of the motion and becomes the property of the House. After this stage is reached, namely after the motion is proposed by the Chair, the Member who originally moved it has no more control over the motion and if he wants to withdraw the motion, he has to do so by taking the leave of the House.

Our Rules of Procedure are based on this pattern. This will, therefore, dispose of the argument advanced by some of the Members that even where a motion is not proposed from the Chair or even moved by the Member, it is not possible for the motion to be withdrawn without the leave of the House. Till the motion is proposed by the Chair, the matter rests with the Member who has tabled the motion.

Having said so much generally, I would now like to consider the actual point of order raised. He did not propose to move his resolution. In this connection, I would refer Hon'ble Members to Rules 138, 142 and 275. Under Rule 138 (i) when a member in whose name a resolution stands in the list of Business is called upon, he may, if he wishes, withdraw it which in effect means that he wishes not to move it or he may move the resolution in which case he has to commence his speech by a formal motion in the terms as bearing in the List of Business. Rule 138 refers to the moving of a resolution and since the moving of a resolution depends on the wish of the Member whether to move or not to move, the exception, namely, the case where he does not want to move also is put in incidentally. Rule 142 relates to the withdrawal of the resolution and amendments and speaks of two cases, (1) where the Member does not want to move the resolution or where the resolution is not reached and (2) where the resolution has been moved and thereafter it is sought to be withdrawn.

The actual point of order raised, namely, where a Member does not want to move the resolution he should not be permitted to say anything more than that he does not want to move the resolution is covered by a large number of identical cases in point. I would like to refer to some of them. One of the earliest cases relates to the Central Assembly in the year 1941. On that occasion where the Insurance Amendment Bill was under discussion, Dr. P. N. Banerjee moved an amendment to one of the clauses. He said "Sir, I move" and thereafter proceeded to speak at great length. When the Deputy President asked whether the Hon'ble Member was moving an amendment, the Hon'ble Member said "I have already moved it" and continued to speak. At the end of his speech he stated.—

> "This is what I wish to submit for his decision with regard to this matter and will withdraw my amendment with a request that this matter may be taken into consideration at a very early date."

The Deputy President thereafter said—

> "In view of the fact that the Hon'ble Member has already expressed his desire to withdraw his amendment, it need not be put to the House."

Mr. M. A. Aney thereafter said that as the amendment has been moved, it cannot be withdrawn without the leave of the House. After some discussion the Deputy President stated:

> "Apart from the technical aspect of the question, if we look at it from the point of substance, the position is this. He has no doubt moved it, but, before it was put to the House, he said that he would not press it, and therefore substantially he does not move it. A motion is taken as moved when the Chair puts it to the House. But before that stage was reached, the Hon'ble the Mover has declared that he does not want the verdict of the House."

There have also been cases where a person who seeks to move a resolution makes a speech and makes the motion at the end of his speech. One such instance arose in the Lok Sabha on the 22nd May 1957 when the Minister for Defence, Sri V. K. Krishna Menon, made a speech and at the end of it moved the resolution regarding Thermo-Nuclear Test Explosions which stood in his name. There is yet another instance in the Lok Sabha where on the 17th August 1959, a resolution stood in the name of the Minister for Home Affairs Sri G. B. Pant. He made the motion and objection was taken to the wording of the motion and the Hon'ble Minister agreed to revise the terms of the motion. This was permitted and the resolution was ultimately put in the amended from.

I would again refer to the Proceedings of the Constituent Assembly of India where on the 26th of August 1947 an amendment was moved by Sri K. Santhanam. The next amendment was in the name of

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Sri H. V. Pataskar in identically the same terms. When Sri Pataskar's turn was reached he stated :

> "Sir, in view of the amendment moved by Mr. Santhanam, I do not propose to move mine."

On the 27th of August 1947 there was an amendment in the name of Sri P. S. Deshmukh. This Hon'ble Member read out his amendment, made a short speech and at the end of it he stated :

> "Sir, I know that the sentiments I express and the socialistic bias that I would like this Constitution to have is not very popular in the House as it is constituted to-day. Under the circumstances I merely wish to make these observations for the consideration of the framers of the Constitution. I have no desire to move my amendment."

These authorities are enough to show that what happened on Saturday in the this House, was nothing out of the way or irregular or out of order. Normally when a resolution or motion stands in the name of a Member and if he does not want to move it, it is but proper that he should confine himself to a mere statement to that effect. This is because any other speech or statement would, to that extent, take away the time of the House to no purpose. Any discussion or Debate that takes place in the House must be directed towards a motion which is before the House and in respect of which a decision of the House is expected. Unless the Debate or a statement or a speech is directed towards ascertainment of the views of the House on any motion before it, the time taken would be fruitless. While this is a general statement, occasions may necessitate short statements or remarks which cannot be said to transgress any of the Rules of Procedure. On the particular occasion which gave rise to this point of order, the Hon'ble Member merely expressed an expectation that the Government would consider his resolution sympathetically or favourably.

There is nothing objectionable in this statement and there is no substance in the point of order raised.

Member's Representation.

Sri C. J. MUCKANNAPPA (Sira).—May I just draw your attention to rule 40 ? Rule 40 says : "The Government shall send a reply to a question for oral answer within fifteen days..." I tabled my question in March 1962. No answer I have been able to get. Another thing. In the Budget Session, 1963 I tabled a short notice question. It was converted into an ordinary question...

Mr. SPEAKER.—I don't convert ; I say it may be taken as a starred question.